

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM RAYMOND POWERS,
Plaintiff,

v.

AVA ZELENETSKY and ZELENETSKY AND
ASSOCIATES,
Defendants.
-----X

ORDER

21 CV 4651 (VB)

The Court conducted a hearing today on the Order to Show Cause for default judgment, issued May 6, 2022. (Doc. #22). Plaintiff failed to appear, and also failed to file proof of service on the defendants of the order to show cause, plaintiff's motion for default judgment, and the supporting papers, as ordered by the Court in its June 30, 2022, Order. (Doc. #24). Accordingly, having considered all of the factors set forth in Lucas v. Miles, 84 F.3d 532 (2d Cir. 1996), this case is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute and comply with Court orders.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

The Clerk is instructed to close this case.

Dated: August 22, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge